

Exhibit A
To Defendant's Reply to
Plaintiff's Opposition to
Defendant's Motion for Sanctions

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ROBERT NOVAK d/b/a PetsWarehouse.com,

Plaintiff,

-against-

Affidavit of
Service

CV 01 3566

ACTIVE WINDOW PRODUCTIONS, INC.,
MARK ROSENSTEIN, CYNTHIA POWERS,
DAN RESLER, JARED WEINBERGER,
THOMAS BARR, "JOHN DOE" and "MARY DOE",

Defendants.
-----X

STATE OF NEW YORK)

: ss :

COUNTY OF SUFFOLK)

TERESA M. QUAIES, being duly sworn, deposes and says:

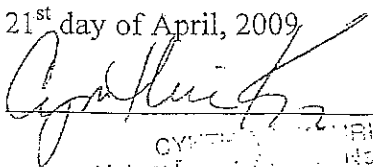
I am not a party to the action, am over eighteen years of age, and reside at
Oakdale, New York

On April 21 2009, I served the within INTERROGATORIES, REQUEST FOR
ADMISSIONS and DEFENDANTS' REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS RELATING TO MEDICAL RECORDS by
depositing a true copy thereof in an official depository under the exclusive care and
custody of the United Parcel Service, Tracking No. 1Z F08 A49 22 1002 3354, addressed
to each of the following persons at the last known address set forth after each name:

Robert Novak
c/o Pets Warehouse
1550 Sunrise Highway
Copiague, New York 11726


Teresa M. Quaies

Sworn to before me this
21st day of April, 2009



CYNTHIA A. B. [illegible]
Notary Public, New York
No. 061000024892
Qualified in Nassau County
Commission Expires May 17, 2015



ATTN : RESA QUIAES
PHONE : (631)845-1900

DELIVERY NOTIFICATION

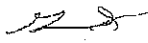
INQUIRY FROM: RESA QUIAES
ROBERT L FOLKS & ASSOC, LLP
510 BROADHOLLOW RD STE 305
MELVILLE NY 11747

SHIPMENT TO: ROBERT NOVAK
C O PETS WAREHOUSE
1550 SUNRISE HWY
COPIAGUE NY 11726

Shipper Number.....F08A49

Tracking Identification Number...1ZF08A492210023354

According to our records 1 parcel was delivered on **04/22/09** at **9:48 A.M.**, and left at your **CUSTOMER'S FRONT DESK**. The shipment was signed for by **NOVAK** as follows:

SHIPPER NUMBER	PKG ID NO.	TRACKING NUMBER	ADDRESS (NO/STREET,CITY)	SIGNATURE
F08A49		1ZF08A492210023354	1550 SUNRISE HWY COPIAGUE	

TUS2908:000A0000

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT NOVAK d/b/a PetsWarehouse.com,

Plaintiff,

-against-

Affidavit of
Service

CV 01 3566

ACTIVE WINDOW PRODUCTIONS, INC.,
MARK ROSENSTEIN, ROBERT HUDSON d/b/a
AQUABOTANIC.COM,

Defendants.
-----X

STATE OF NEW YORK)

: ss :

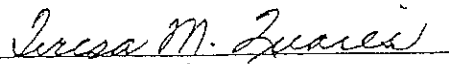
COUNTY OF SUFFOLK)

TERESA M. QUAIES, being duly sworn, deposes and says:

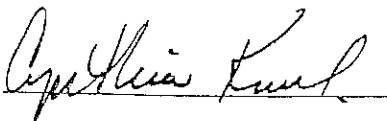
I am not a party to the action, am over eighteen years of age, and reside at
Oakdale, New York

On March 27, 2009, I served the within **Document Demand** by depositing a true
copy thereof, enclosed in a post-paid wrapper, in an official depository under the
exclusive care and custody of the United State Postal Service within New York State,
addressed to each of the following persons at the last known address set forth after each
name:

Robert Novak
c/o Pets Warehouse
1550 Sunrise Highway
Copiague, New York 11726


Teresa M. Quaies

Sworn to before me this
27th day of March, 2009



CYNTHIA A. KOURIL
Notary Public, State of New York
No. 02K06024802
Qualified in Nassau County
Commission Expires May 17, 2015

Exhibit B
To Defendant's Reply to
Plaintiff's Opposition to
Defendant's Motion for Sanctions

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ROBERT NOVAK, d/b/a PetsWarehouse.com
Plaintiff,

-against-

No. CV 01 3566
(DLI)(WDW)

ACTIVE WINDOW PUBLICATIONS, INC.,
ROBERT HUDSON d/b/a AQUABOTANIC.COM
Defendants,
-----X

Answers to interrogatories submitted by
Defendants Mark Rosenstein and Active Window Productions Inc

1. On or about March 2002, the defendant AWP in concert with Petsforum.com developed a "psw-lawsuit-news" newsletter, which is e-mailed to its supporters purporting to respond to this lawsuit. As part of its campaign against Pets Warehouse to "let everybody know", the defendants engaged in concert with others the following: "Tell a Friend" and Cynthia Powers (Powers was a employee or agent designated by AWP to serve as a moderator in the chat room of AWP Listserv) used her editorial content on the AWP chat room to aid in the fundraising activities of the defendants asking for donations.

Except to say that Plaintiff can not ID what statements are made individually v corporate until depositions are complete.

2. Same as above ¶1.

3. This is a question of law to be determined at trial.

4. AWP March 4, 2002 republished the following posted statement by Alan Kaufman

"Upon learning today of Mr. Novack's self-representation I telephoned the IRS's Criminal Investigations division and reported him for probable tax fraud. I explained to them that I was confident that he was using costs of his suit as a business expense deduction and it was questionable due to his personal involvement and his personal attacks on others. I offered that another possible avenue of investigation would be his reporting of expenses, as he was self-representing. Their interest definitely seem to increase when I mentioned that over \$10,000 had already been spent in defense and that I assumed his claimed deductions would be at least as much.... I asked if further

calls from other parties would increase the likelihood of their starting an investigation and was told that input from more than one source their investigating almost a certainty. Their number is 1-800-829-0433. Why don't you call too? It can be anonymous if you wish. Remember, actions speak louder than words. Alan"

I immediately faxed Robert Folks the law firm representing AWP with the content of the message by Kaufman and asked that it be removed, I never received a reply. Later that day this message was posted and republished by AWP to New York subscribers and the rest of the world.

The response, *after it was republished by AWP's Rosenstein*, on March 5, 2002 in part from Rosenstien "a recent posting on this list advocates reporting Robert Novak of Pets Warehouse to the IRS for tax fraud...If you have reason to believe that tax fraud has been committed, then by all means call the IRS and report this...Alan thinks it likely that there is fraud. I really don't know. Mark Rosenstein Editor, FINS"

AWP took no steps to remove the offending material.

AWP has published and re-published with actual malice, that is, with the knowledge of falsity or reckless disregard of the truth of and concerning Robert Novak and the mark Pets Warehouse in all of the statements in posts made by the defendants and while fundraising from the public.

On March 5, 2002 another threat by Edward Venn stated "It's amazing what some Filipino hackers can do while your on the web...havoc with your credit by now." Both of these threats were reported to the FBI and sent to forums to expose the threats. AWP misused the Pets Warehouse Mark with malicious intent to falsely describe by using a capital "S" the mark as such "petsSwarehouse". The term PetSWEARhouse" stating, "because if you buy from them you will be swearing". August 12, 2001 defendant Powers posted "As for people thinking the fund is to benefit PsW - hmmm . . . Thanks for letting us know. Cynthia"

August 15, 2001 defendant Hudson posted "Now realize I am only talking about the wording of the banner ad..not what they see if they click on it. I've had three people ask me why I am supporting Pets Warehouse in this...when I told them to click on the banner...their response was, oh, duh! Some people have the banner linked to

CompuServe, others to a Usenet posting of Johns email, and others to the krib, none of which I have seen a link to the list of contributors. Robert Paul H."

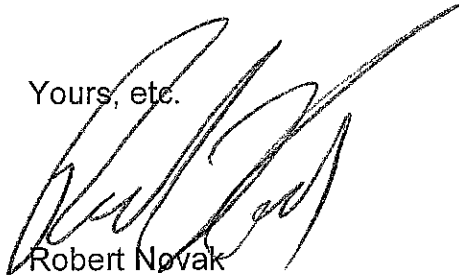
On August 16, 2001 R. Sexton posted in that same chat room "Change the banner ad then. If 3 people write that means 1500 were similarly confused and didn't write if the net is true to form. Why even mention PetSwarehouse in the banner? "

5. Same as answer above.
6. Same as answer # 1
7. Same as answer # 2
8. Same as answer # 3
9. Same as answer # 4
10. Same as answer # 5

Answers to Defendants Requests For Admissions

Plaintiff denies the allegations in paragraphs 1,2,4,5,6,7,9,10,11,12,13 & 14

Yours, etc.

A handwritten signature in black ink, appearing to read 'Robert Novak', written over the typed name.

Robert Novak

1550 Sunrise Hwy
Copiague, NY
631.338.1048

Robert L. Folks & Associates, LLP

[Doctor Name]

510 Broad Hollow Road, Suite 304A
 Melville, NY 11747
 Phone: 631-845-1900
 Fax: 631-845-8779

AUTHORIZATION TO RELEASE HEALTHCARE INFORMATION

Patient's Name: Robert Novak Date of Birth: NA
 Previous Name: NA Social Security #: NA

I request and authorize _____ to
 release healthcare information of the patient named above to:

Name: Robert L. Folks & Associates, LLP
 Address: 510 Broad Hollow road, Suite 304 A
 City: Melville State: N.Y. Zip Code: 11747

This request and authorization applies to:

☐ Healthcare information relating to the following treatment, condition, or dates: _____

☒ All healthcare information

☐ Other: _____

Definition: Sexually Transmitted Disease (STD) as defined by law, RCW 70.24 et seq., includes herpes, herpes simplex, human papilloma virus, wart, genital wart, condyloma, Chlamydia, non-specific urethritis, syphilis, VDRL, chancroid, lymphogranuloma venereum, HIV (Human Immunodeficiency Virus), AIDS (Acquired Immunodeficiency Syndrome), and gonorrhea.

☐ Yes ☒ No I authorize the release of my STD results, HIV/AIDS testing, whether negative or positive, to the person(s) listed above. I understand that the person(s) listed above will be notified that I must give specific written permission before disclosure of these test results to anyone.

☐ Yes ☒ No I authorize the release of any records regarding drug, alcohol, or mental health treatment to the person(s) listed above.

Patient Signature: [Signature] Date Signed: 9/10/09

THIS AUTHORIZATION EXPIRES NINETY DAYS AFTER IT IS SIGNED.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT NOVAK d/b/a PetsWarehouse.com,

Plaintiff,

-against-

Affidavit of
Service

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ACTIVE WINDOW PRODUCTIONS, INC.,
MARK ROSENSTEIN, ROBERT HUDSON d/b/a
AQUABOTANIC.COM,

Defendants.
-----X

STATE OF NEW YORK)

: ss :

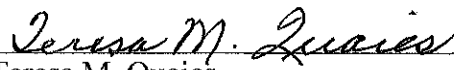
COUNTY OF SUFFOLK)

TERESA M. QUAIES, being duly sworn, deposes and says:

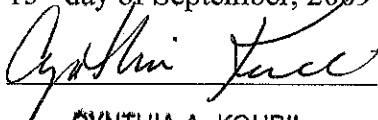
I am not a party to the action, am over eighteen years of age, and reside at
Oakdale, New York

On September 15, 2009, I served the within **Reply Affirmation** by depositing a
true copy thereof in an official depository under the exclusive care and custody of the
United Parcel Service, Second Day Ground, Tracking No. K034 658 233 6, addressed to
each of the following persons at the last known address set forth after each name:

Robert Novak
c/o Pets Warehouse
1550 Sunrise Highway
Copiague, New York 11726


Teresa M. Quaies

Sworn to before me this
15th day of September, 2009



CYNTHIA A. KOURIL
Notary Public, State of New York
No. 02K06024802
Qualified in Nassau County
Commission Expires May 17, 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT NOVAK d/b/a Pets Warehouse, com.

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ACTIVE WINDOW PRODUCTIONS, INC.,
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DAN RESLER, JARED WEINBERGER,
THOMAS BARR, "JOHN DOE" and "MARY DOE",

Defendants.
-----X

=====

REPLY AFFIRMATION

=====

CYNTHIA A. KOURIL (4899)
ROBERT L. FOLKS & ASSOCIATES, LLP
Attorneys for Defendants Mark Rosenstein and
Active Windows Productions, Inc.
510 Broad Hollow Road, Suite 304A
Melville, New York 11747
(631) 845-1900

TO: Robert Novak
c/o Pets Warehouse
1550 Sunrise Highway
Copiague, New York 11726